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CHAPTER 857

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INTRODUCED BY Committee on Health (Gallegos (Chair), Bates (Vice Chair),
Aanestad, Corbett, Cox, Firebaugh, Kuehl, Runner, Thomson, Vincent, Wayne, Wesson,
and Zettel)

MARCH 14, 2000

An act to amend Sections 1618.5, 4382, 4999, 4999.4, 4999.6, and 4999.7 of the Business and Professions Code, Sections 43.98, 56.17, and 3296 of the Civil Code, Sections 10821 and 13408.5 of the Corporations Code, Sections 1322, 6253.4, 6254.5, 11552, 13975, 13975.2, 21661, 31696.1, and 37615.1 of the Government Code, Sections 1317.2a, 1317.6, 1341, 1341.1, 1341.2, 1341.3, 1341.6, 1341.7, 1342.3, 1342.5, 1343, 1346.5, 1347, 1357.16, 1363, 1367.25, 1367.695, 1368.02, 1368.2, 1371.4, 1373.95, 1374.30, 1374.32, 1380, 1380.1, 1383.15, 1391.5, 1396.6, 1397.5, 11758.47, 32121, 102910, 127580, and 128725 of, and to repeal Section 1398 of, the Health and Safety Code, to amend Sections 740, 742.407, 742.435, 791.02, 1068, 1068.1, 10123.35, 10123.68, 10140.1, 10169, 10169.2, 10169.3, 10169.5, 10196, 10270.98, 10704, 10733, 10734, 10810, 10820, 10856, 12693.36, 12693.365, 12693.37, and 12695.18 of the Insurance Code, to amend Section 4600.5 of the Labor Code, to amend Section 830.3 of the Penal Code, to amend Sections 5777, 9541, 14087.32, 14087.36, 14087.37, 14087.38, 14087.4, 14087.9705, 14088.19, 14089, 14089.4, 14139.13, 14251, 14308, 14456, 14457, 14459, 14460, 14482, and 14499.71 of the Welfare and Institutions Code, relating to health care coverage.

(The below is an excerpt from AB 2903 of those sections that are applicable to the Telephone Medical Advice Services)

LEGISLATIVE COUNSEL'S DIGEST AB 2903, Committee on Health. Health care coverage: telephone medical advice services.

Existing law provides for the registration of telephone medical advice services with the Telephone Medical Advice Services Bureau of the Department of Consumer Affairs, and prohibits, effective January 1, 2000, an in-state or out-of-state business entity from providing those services to a patient at a California address unless the person is registered. These provisions do not apply to healing arts professionals licensed under the Business and Professions Code who provide telephone medical advice that is incidental to their primary focus of their medical advice activities in their professional practice. This bill instead would limit the application of these and related provisions to a business entity that employs, or contracts or subcontracts with, the full-time equivalent of 5 or more persons functioning as health care professionals, as defined, whose primary function is to provide telephone medical advice, as specified. This bill would revise various registration provisions and would authorize the director of the department to exempt from fees certain telephone advice services that serve charity or medically indigent patients, as specified. This bill would make other related changes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SEC. 2.1. Section 4999 of the Business and Professions Code is amended to read:

4999. (a) On and after January 1, 2000, no business entity that employs, or contracts or subcontracts, directly or indirectly, with, the full-time equivalent of five or more persons functioning as health care professionals, whose primary function is to provide telephone medical advice, shall engage in the business of providing telephone medical advice services to a patient at a California address unless the business is registered with the Telephone Medical Advice Services Bureau. The department may adopt emergency regulations further defining when a health care professional's primary function is providing telephone medical advice.

(b) Any business entity required to be registered under subdivision (a) that submits proof of accreditation by the American Accreditation Healthcare Commission, URAC, the National Committee for Quality Assurance, the National Quality Health Council, or the Joint Commission on Accreditation of Healthcare Organizations shall be deemed provisionally registered by the bureau until the earlier of the following:

(1) December 31, 2000.

(2) The granting or denial of an application for registration pursuant to subdivision (a).

(c) A medical group that operates in multiple locations in California shall not be required to register pursuant to this section if no more than five full-time equivalent persons at any one location perform telephone medical advice services and those persons limit the telephone medical advice services to patients being treated at that location.

SEC. 2.2. Section 4999.4 of the Business and Professions Code is amended to read:

4999.4. (a) Every registration issued a telephone medical advice service shall expire 24 months after the initial date of issuance.

(b) To renew an unexpired registration, the registrant shall, before the time at which the license registration would otherwise expire, apply for renewal on a form prescribed by the bureau, and pay the renewal fee authorized by Section 4999.5.

(c) A registration that is not renewed within three years following its expiration shall not be renewed, restored, or reinstated thereafter, and the delinquent registration shall be canceled immediately upon expiration of the three-year period. An expired registration may be renewed at any time within three years after its expiration upon filling of an application for renewal on a form prescribed by the bureau and the payment of all fees authorized by Section 4999.5.

SEC. 2.3. Section 4999.6 of the Business and Professions Code is amended to read:

4999.6. The department may adopt, amend, or repeal any rules and regulations that are reasonably necessary to carry out this chapter. A telephone medical advice services provider who provides telephone medical advice to a significant total number of charity or medically indigent patients may, at the discretion of the director, be exempt from the fee requirements imposed by this chapter. However, those providers shall comply with all other provisions of this chapter.

SEC. 2.4. Section 4999.7 of the Business and Professions Code is amended to read:

4999.7. (a) Nothing in this section shall limit, preclude, or otherwise interfere with the practices of other persons licensed or otherwise authorized to practice, under any other provision of this division, telephone medical advice services consistent with the laws governing their respective scopes of practice, or licensed under the Osteopathic Initiative Act or the Chiropractic Initiative Act and operating consistent with the laws governing their respective scopes of practice.

(b) For the purposes of this chapter, "telephone medical advice" means a telephonic communication between a patient and a health care professional, wherein the health care professional's primary function is to provide to the patient a telephonic response to the patient's questions regarding his or her or a family member's medical care or treatment.

(c) For the purposes of this chapter, "health care professional" is a staff person described in Section 4999.2 who provides medical advice services and is appropriately licensed, certified, or registered as a registered nurse pursuant to Chapter 6 (commencing with Section 2700), a physician and surgeon pursuant to Chapter 5 (commencing with Section 2000), a dentist pursuant to Chapter 4 (commencing with Section 1600), a dental hygienist pursuant to Section 1758 et seq., a psychologist pursuant to Chapter 6.6 (commencing with Section 2900), a marriage and family therapist pursuant to Chapter 13 (commencing with Section 4980), an optometrist pursuant to Chapter 7 (commencing with Section 3000), a chiropractor pursuant to the Chiropractic Initiative Act, or an osteopath pursuant to the Osteopathic Initiative Act, and who is operating consistent with the laws governing his or her respective scopes of practice in the state in which he or she provides telephone medical advice services.